

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK**

MICROSOFT CORPORATION,

Plaintiff,

v.

DATATERN, INC.,

Defendant.

Civil Action No. 1:11-cv-02365-KBF

ECF CASE

**MICROSOFT CORPORATION'S STATEMENT OF MATERIAL FACTS AS TO
WHICH IT CONTENDS THERE IS NO GENUINE ISSUE TO BE TRIED**

**Contains Confidential Information
Subject to Protective**

FILED UNDER SEAL